

ENVIRONMENTAL PROTECTION COMMISSION  
REGULAR MEETING/PUBLIC HEARING  
MINUTES  
April 3, 2013  
7:30 P.M.  
Room 206, Town Hall

Chairman Riccardo called the meeting to order at 7:32 P.M

Commission Members Present: Vickie Riccardo, Wynne Shapiro, Ed Sweeney, Alan Armstrong, Eric Joosten, Rick Rohr, and Keith Kearney

Staff: Jacobson

Court Reporter: Syat

Recorded by Channel 79

Ms. Riccardo called the first agenda item:

EPC-10-2013, Cathy & Brett Jefferson, 225 Tokeneke Road, proposing fence construction in an upland review area. The site is shown on Assessor's Map #66 as Lot #115.

Jacek Bigosinski, Architect, represented the applicant. He said they are proposing to repair the paddle tennis court. They are proposing three types of fences. He provided a color coded copy of the survey showing the fence locations and types.

Mr. Joosten asked about the type of post to be used. Mr. Bigosinski said they would be wooden.

Mr. Rohr asked how far off the ground the fence would be. Mr. Bigosinski said approximately 6".

Rachel Petersen, 233 Tokeneke Road said she has lived there for 31 years. There has never been a fence. She said the house faces the pond and it will block her view.

Attorney Ethan Brecher, representing the Jeffersons, said his client wanted the fence to keep deer out and the prevent dumping from the Petersen property. He said there is no valid reason not to allow a fence.

Mr. Joosten made a motion to approve the application. Ms. Shapiro seconded the motion and it passed 7-0.

Ms. Riccardo called the next agenda item:

EPC-11- 2013, MacDonald Budd, 146 Ridge Acres Road, proposing to remove a well house and upgrade a water system within a regulated area. The site is shown on Assessor's Map #04 as Lot #41.

Aaron Nachbar, Well Contractor, represented the applicant. He said they propose to remove the old well house and tank and restore the grade.

Mr. Rohr asked if they propose to plant anything. Mr. Nachbar said they expect the area will restore itself.

Mr. Armstrong made a motion to approve the application Mr. Rohr seconded the motion and it passed 7-0.

Ms. Riccardo called the next agenda item:

EPC-12-2013, John & Elizabeth Ferguson, 30 Plymouth Road, proposing new gravel driveway in an upland review area. The site is shown on Assessor's Map #57 as Lot 35.

Mr. Jacobson said the applicant requested a continuance to May1.

Ms. Riccardo called the next agenda item:

EPC-13-2013, Steven & Maeve Zamsky, 66 Five Mile River Road, proposing drainage system, and driveway construction in an upland review area. The site is shown on Assessor's Map #66 as Lots #49 and 13.

Chris Allan, Land-Tech Consultants, represented the applicant on behalf of Doug DiVesta, P.E. he said the property is two parcels separated by the road. The existing house will be demolished and a new house constructed. The new house will be connected to the sanitary sewer. He said there is no need to provided stormwater detention, and the proposed system is designed to treat the first one inch of runoff.

Ms. Riccardo asked if they are using the existing foundation for treatment. Mr. Allan said they will fill the hole with crushed stone.

Mr. Rohr asked about the surface of the pool patio. Mr. Allan said it is proposed to be blocks with open joints.

Mr. Rohr asked about if the sump pump flow was included in the calculation. Mr. Allan he believed so. Mr. Rohr asked staff to verify that with the engineer.

Mr. Rohr made a motion to approve the application with the condition that the engineer verify that the drainage system will handle the sump pump flow. Mr. Armstrong seconded the motion and it passed 7-0.

Ms. Riccardo called the following agenda item:

Planning & Zoning referral, Coastal Site Plan Review #284, 66 Five Mile River Road, Steven & Maeve Zamsky

Mr. Rohr asked about the trees to be removed. Mr. Allan said there are 10 trees proposed to be removed and 13 to remain. Mr. Rohr asked if they could look more carefully at saving additional trees.

The Commission discussed recommendations to the planning & Zoning Commission to review the need for tree removal in the southwest corner of the property, require stone with joints for the pool deck, and require a planting plan. Mr. Sweeney made a motion to send the above comments to the Planning & Zoning Commission.

Ms. Riccardo called the next agenda item:

200 Long Neck Point Road, John & Charlotte Suhler, restoration of conservation easement.

Del Mathieson, Robert Wilder landscape Architects, represented the Suhlers. He said the owners cleared a portion of the easement of the undergrowth leaving the trees. He said they also removed building rubble left by previous owners. He said they have proposed a planting plan for the area.

Mr. Jacobson said the plan show a path to the water's edge through the middle of the easement. He said the path should be relocated to the northerly side of the property as shown on the easement map. The Commission also discussed the need for placing survey monuments to delineate the easement.

Mr. Kearney made a motion to approve the planting plan with the revision of the path location and the requirement that the easement be monumented at the corners and every 50 feet. Mr. Armstrong seconded the motion and it passed 7-0.

Ms. Riccardo called the first public hearing item:

EPC-38-2012, Redniss & Mead, Inc., on behalf of Steven Payne, 5 Dogwood Lane, requesting permit to retain existing drainage structures within an upland review area. The site is shown on Assessor's Map #64 as Lot #28. (Continued from March 6)

At the request of the applicant and the neighbor's representative the hearing was continued until May 1.

Ms. Riccardo called the next agenda item:

EPC-03-2013, Lance Zimmerman, A.I.A., on behalf of Mark Bothwell, 19 Waterbury Lane, proposing new house construction within an upland review area. The site is shown on Assessor's Map #28 as Lot #4D.

Mr. Rohr was recused for this application.

Lance Zimmerman, Architect, represented the applicant. He said the lot has been in existence from the mid 1980's. He said the stone wall delineates the area to be utilized for construction. He said the wetland buffer was 25 feet at the time of the subdivision. He said they are providing stormwater detention for the project. There is approximately 2,300 square feet of disturbance proposed in the upland review area.

John Martucci, P.E. said they provided detention at the time of the subdivision. He said that rather than re-calculate the detention they are providing detention on their own lot. He said they will provide a maintenance plan for the storm water system.

Ms. Riccardo asked if anyone from the public wished to comment on the application. No one wished to speak.

Ms. Shapiro asked if they were proposing a rain garden. Mr. Martucci said no.

Mr. Armstrong made a motion to close the public hearing. Mr. Sweeney seconded the motion and it passed 6-0.

EPC-08-2013, Andrew & Melanie Wright, 5 Holly Lane, stone wall and fence construction in an upland review area. The site is shown on Assessor's Map #9 as Lot #147.

Ms. Shapiro was recused for this application.

Greg Twardy, landscape contractor, represented the applicant. He said they are proposing an aesthetic wall. He said they recently had the property surveyed and staked. He said they will remove trees, some of which are unhealthy. They are proposing replacement trees.

Ms. Riccardo asked about the proposed Belgian block apron. Mr. Twardy said the apron will extend from the road to the pillars on the property line. Ms. Riccardo asked about the increase in impervious surface area. Mr. Twardy said they could put the Belgian block in stone.

Mr. Rohr said the application is incomplete. He would like the upland review area to be shown.

Ms. Riccardo opened the hearing to public comment.

Wesley Depp, 11 Holly Lane, said the original house construction caused disturbance to the wetland. He said he is concerned the stone wall may block water flow.

Mr. Twardy said the wall will be 10 feet from the stream and will have weep holes to allow water to pass through.

Cheryl Russell said the Commission's previous decision required that the driveway not be paved. She said the stone wall will add impervious surface. She asked if the stone wall will have a footing. Mr. Twardy said 14 inches of stone.

The Commission requested additional information including: show the upland review area on the plan, provide a planting plan, address the impact of the new impervious surface, and provide updated topography. Staff will provide the previous resolution.

The Commission continued the public hearing to May 1.

Minutes of March 6

Mr. Sweeney made a motion to approve the minutes of March 6, as amended. Mr. Armstrong seconded the motion and it passed 5-0. Mr. Joosten abstained.

The Commission deliberated on the following public hearing application: EPC-03-2013, Lance Zimmerman, A.I.A., on behalf of Mark Bothwell, 19 Waterbury Lane

Mr. Armstrong made a motion to approve the application with a maintenance plan. Mr. Kearney seconded the motion and it passed 6-0.

Ms. Sweeney made a motion to adjourn. Mr. Joosten seconded the motion, and it passed 6-0. The meeting adjourned at 9:20 p.m.

Respectfully submitted,

Richard Jacobson  
Environmental Protection Officer